



STORM EVENTS

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Promoting Responsible Stormwater Management Practices throughout the Idaho Transportation Department

EPA Fines Nampa Dairy for Stormwater Violations

(Seattle) - In August 2010, the United States Environmental Protection Agency (EPA) and the Happy Valley Dairy of Nampa, Idaho reached a settlement totaling more than \$14,000 for alleged Clean Water Act Violations related to a construction project located at the dairy. The violations were found during an inspection performed by EPA which resulted from a citizen's complaint.

The dairy was found to be removing vegetation from the banks of Indian Creek and exposing approximately 10 acres of soil without erosion and sediment controls.

EPA observed the following violations:

- Failure to obtain coverage under the Construction General Permit (CGP)
- Failure to plan and describe stormwater activities in a Stormwater Pollution Prevention Plan (SWPPP)
- Failure to conduct and document results of regular stormwater self inspections
- Failure to install and maintain the required erosion and sediment controls

"If a facility is doing construction work like this on an area that is more than an acre, they will need coverage under this permit," said Kim Ogle, manager of EPA's Compliance Unit in Seattle. "Developers that fail to obtain or follow these permit conditions will face fines."

Test Your Stormwater Management I.Q.:

1. How long must ITD retain copies of the SWPPP and all documents required by the CGP and the Consent Decree (CD)?
2. Is water used to control dust on a project an "Allowable Non-Stormwater Discharge"?
3. True or False: An Erosion and Sediment Control Plan (ESCP) is required for projects where a NPDES permit is not required.

EPA Agrees to Vacate Numeric Limit for Construction & Development Discharges

(Washington D.C.) - Back in December 2009, the EPA issued new effluent limitation guidelines (ELGs) for construction and development stormwater discharges that would come into affect in 2011. Those ELGs included a numeric limit of 280 nephelometric turbidity units (NTU) from projects that disturbed more than 20 acres of soil.

The National Association of Home Builders (NAHB) filed a challenge to the ELGs, contesting the legality of the numeric limit. After considering the issues raised by NAHB, EPA has filed a motion asking the Court to vacate the numeric limit and remand that portion of the rules back to EPA for reconsideration.

"...the calculations in the existing administrative record are no longer adequate to support the 280-NTU effluent limit." -- EPA

In its motion, EPA stated the following:

"Based on EPA's examination of the dataset underlying the 280-NTU limit it adopted, the Agency has concluded that it improperly interpreted the data and, as a result, the calculations in the existing administrative record are no longer adequate to support the 280-NTU effluent limit. EPA therefore wishes to re-examine that number through a narrowly-tailored notice-and-comment rulemaking and, if necessary, revise that portion of the limit before proceeding with its defense of the rule."

EPA also agreed to address issues concerning the rule provisions that apply to linear gas and electric utility projects and agreed to "solicit site-specific information regarding the applicability of a numeric effluent limit to cold weather sites, as well as on the applicability of a numeric limit to small sites that are part of a larger property subject to the numeric limit."

ITD STORMWATER FREQUENTLY ASKED QUESTIONS (FAQS)

Q1: Is it true that the Contractor must request written permission before filing a Notice of Termination (NOT) for a project?

A1: True. The Contractor shall not file a NOT without written permission from the Resident Engineer. After the Contractor submits the NOT, ITD becomes solely responsible for inspection and maintenance of the pollution control measures identified in the SWPPP and any SWPPP updates or revisions.

Quiz Answers:

1. Part 7 of the 2008 CGP indicates that all operators shall retain project documentation for at least three years from the date that the permit coverage expires or is terminated. Paragraph 29 of the CD also requires that all documentation be retained for one calendar year after the CD is terminated.
2. Yes, water used to control dust in accordance with Part 3.1.B is an allowable non-stormwater discharge.
3. True. Part III of the Clean Water Act Insert requires that an ESCP is prepared and signed by ITD, the Contractor and Subcontractors performing ground disturbing work.

Q2: I noticed that the 2008 Construction General Permit (CGP) expired on June 30, 2010. Does this mean that I do not need to follow the NPDES requirements for my project?

A2: No. On January 28, 2010, the EPA extended the term of the 2008 CGP by one year. The 2008 CGP is now a three-year permit, which will expire on or before June 30, 2011. In addition, by June 30, 2011, the EPA will issue a new CGP, which may incorporate the new Construction and Development ELG, or C&D rule requirements.

Q3: If my project does not require National Pollutant Discharge Elimination System (NPDES) CGP compliance (e.g. project disturbs less than 1 acre) do I still need to comply with requirements listed in the Consent Decree?

A3: No. The Consent Decree clearly indicates that a "Project shall mean any location in the State of Idaho that is subject to construction activities under a contract issued by ITD and which is subject to NPDES stormwater construction regulations". However, the project would still be subject to federal and state water quality regulations and ITD policies.

BMP-4.9 RETAINING WALLS (Permanent)

Refer to: ITD Standard Specifications, Sections 210 and 512.
ITD Standard Drawing, P-2-A.

Retaining walls are structures that are constructed to support almost vertical or vertical slopes of earth masses. All walls over 1.8 meters (6 feet) in height shall be engineered.

Several different retaining wall types are:

- Rigid Gravity and Semi-Gravity Walls: The rigid gravity and semi-gravity walls develop their capacity from their dead weights and structural resistance, and are generally used for permanent applications.
 - Non-gravity Cantilevered Walls: These walls develop lateral resistance through the embedment of vertical wall elements and support retained soil with wall facing elements. Vertical wall elements are normally extended deep in the ground to provide lateral and vertical support. Cantilevered walls are generally limited to a maximum height of about 15 feet.
 - Anchored Walls: These walls typically consist of the same elements as the non-gravity cantilevered walls but derive additional lateral resistance from one or more tiers of anchors. The anchored walls are typically used in the cut situation, in which the construction proceeds from the top to the base of the wall.
 - Mechanically Stabilized Earth (MSE): These walls normally include a facing element and a reinforcement element embedded in the backfill behind the facing. MSE walls are well suited when used to support fills and when substantial total and differential settlement are anticipated.
- Retaining walls are often used near the toe of a cut or fill slope so that a flatter slope can be constructed to prevent or minimize slope erosion or failure. They can also be used to keep a toe of a slope from encroaching into a stream and thus prevent potential undercutting of the toe by flowing water.

BMP of the Quarter

